

8 pages

Redacted

Not an EBSA record

Khawar, Ali - EBSA

From: Khawar, Ali - EBSA
Sent: Thursday, April 22, 2010 7:56 PM
To: Golding, Debra - EBSA
Subject: RE: Reg agenda rollout

Non Responsive

-----Original Message-----

From: Golding, Debra - EBSA
Sent: Thursday, April 22, 2010 7:47 PM
To: Khawar, Ali - EBSA
Subject: Reg agenda rollout

I emailed both Andy and Ken but I think both were gone for the day so I will follow up first thing in the morning regarding the video.

One other question - when we post the new page for the spring reg agenda, do you want us to remove the page for the fall agenda or keep it as a record? Thanks.

10 pages

Redacted

Not an EBSA record

Davis, Michael. L- EBSA

From: Doyle, Robert - EBSA
Sent: Tuesday, March 23, 2010 5:19 PM
To: Borzi, Phyllis - EBSA; Davis, Michael. L- EBSA
Cc: Lebowitz, Alan - EBSA; Hauser, Timothy - SOL; Khawar, Ali - EBSA; Turner, Jeffrey - EBSA; Walters, Janet - EBSA; Doyle, Robert - EBSA
Subject: Please review 'Spring 2010 Reg Narrative rjd3'

Follow Up Flag: Review
Flag Status: Flagged

Attachments: Spring 2010 Reg Narrative rjd3.doc



Spring 2010 Reg
Narrative rjd3...

Attached is the Spring reg rollout document Christi circulated for comment and completion (by EBSA). ↑ ——— Exemption 5 ———]

(Exemp5) With your approval (and/or edits), I will transmit to Christi et al. in OASP.

6 pages redacted

Exemption 5

Khawar, Ali - EBSA

From: Borzi, Phyllis - EBSA
Sent: Monday, January 25, 2010 6:51 PM
To: Lebowitz, Alan - EBSA; Doyle, Robert - EBSA; Davis, Michael. L- EBSA ; Maguire, Daniel - EBSA; Piacentini, Joseph - EBSA
Cc: Khawar, Ali - EBSA; Price, Nicole - EBSA
Subject: FW: Spring Agenda preparation and meetings with Seth
Follow Up Flag: Follow up
Flag Status: Green
Attachments: Tentative Spring Regulatory Agenda Development Timetable 1 21 10.doc

Phyllis C. Borzi
Assistant Secretary of Labor
Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Ave., N.W.
Room S-2524
Washington, DC 20210
(202) 693-8300
(202) 219-5526 (fax)
borzi.phyllis@dol.gov

Redacted plus 1 page
Not an EBSA record

Not
CPSSA
Record

2 pages

redacted

Exemption 5

Khawar, Ali - EBSA

From: Davis, Michael. L- EBSA
Sent: Monday, February 15, 2010 11:26 PM
To: Borzi, Phyllis - EBSA; Doyle, Robert - EBSA; Bascus, Carrol - ASP ; Brown, Michelle S - EBSA; Canary, Joe - EBSA; Cosby, Chris - EBSA; Cunningham, Christi - ASP; Donahue, Christine - EBSA; Franklin, Corman - ASP; Franks, Kathleen - ASP; Hauser, Timothy - SOL; Khawar, Ali - EBSA; Kingsley, Sara - OCIA; Lebowitz, Alan - EBSA; Maguire, Daniel - EBSA; Piacentini, Joseph - EBSA; Price, Nicole - EBSA ; Smith, Virginia - EBSA; Strasfeld, Ivan - EBSA; Taylor, William - SOL; Turner, Amy - EBSA; Turner, Jeffrey - EBSA; Watson, Sharon - EBSA
Subject: Re: Reg Update Agena
Follow Up Flag: Follow up
Flag Status: Green

Given the delayed opening tomorrow, Seth has now scheduled the Huddle mtg to begin at 11am. As such, I will have to be late for the reg update mtg. All the best. Md

----- Original Message -----

From: Borzi, Phyllis - EBSA
To: Doyle, Robert - EBSA; Bascus, Carrol - ASP ; Brown, Michelle S - EBSA; Canary, Joe - EBSA; Cosby, Chris - EBSA; Cunningham, Christi - ASP; Davis, Michael. L- EBSA ; Donahue, Christine - EBSA; Franklin, Corman - ASP; Franks, Kathleen - ASP; Hauser, Timothy - SOL; Khawar, Ali - EBSA; Kingsley, Sara - OCIA; Lebowitz, Alan - EBSA; Maguire, Daniel - EBSA; Piacentini, Joseph - EBSA; Price, Nicole - EBSA ; Smith, Virginia - EBSA; Strasfeld, Ivan - EBSA; Taylor, William - SOL; Turner, Amy - EBSA; Turner, Jeffrey - EBSA; Watson, Sharon - EBSA
Sent: Mon Feb 15 18:01:36 2010
Subject: Re: Reg Update Agena

FYI - I will be at PBGC all day so will miss the meeting

----- Original Message -----

From: Doyle, Robert - EBSA
To: Bascus, Carrol - ASP ; Borzi, Phyllis - EBSA; Brown, Michelle S - EBSA; Canary, Joe - EBSA; Cosby, Chris - EBSA; Cunningham, Christi - ASP; Davis, Michael. L- EBSA ; Donahue, Christine - EBSA; Doyle, Robert - EBSA; Franklin, Corman - ASP; Franks, Kathleen - ASP; Hauser, Timothy - SOL; Khawar, Ali - EBSA; Kingsley, Sara - OCIA; Lebowitz, Alan - EBSA; Maguire, Daniel - EBSA; Piacentini, Joseph - EBSA; Price, Nicole - EBSA ; Smith, Virginia - EBSA; Strasfeld, Ivan - EBSA; Taylor, William - SOL; Turner, Amy - EBSA; Turner, Jeffrey - EBSA; Watson, Sharon - EBSA
Sent: Mon Feb 15 18:00:13 2010
Subject: Reg Update Agena

Attached is the agenda for tomorrows meeting. Also attached is a chart reflecting staffing assignments for each our spring reg agenda, as requested by the Deputy Secretary. For those who have not an opportunity to review, please bring corrections to the meeting. After the meeting we will finalize and forward to OASP. Thank you.

7 pages

redacted

Not an EBSA record

Davis, Michael. L- EBSA

From: Cunningham, Christi - ASP
Sent: Tuesday, March 23, 2010 2:44 PM
To: Borzi, Phyllis - EBSA; Leppink, Nancy - WHD; Lund, John - OLMS; Shiu, Patricia A - OFCCP; Michaels, David - OSHA; Main, Joseph A - MSHA
Cc: Davis, Michael. L- EBSA ; Lebowitz, Alan - EBSA; Doyle, Robert - EBSA; Maguire, Daniel - EBSA; Hancock, Michael D - WHD; Auerbach, Andrew D - OLMS; Boucher, Denise M - OLMS; Harrison, Lorenzo D - OFCCP; Dillon, Sandra - OFCCP; Bohanon, Bruce M - OFCCP; Barab, Jordan - OSHA; Berkowitz, Deborah - OSHA; Dougherty, Dorothy - OSHA; Wagner, Gregory - MSHA; Silvey, Patricia - MSHA; Thompson, William - SOL; Greenfield, Deborah - SOL; Spriggs, William - ASP; Cornale, Samuel - OSEC
Subject: Spring Agenda narrative
Attachments: Spring 2010 Reg Narrative sdhcomments ecc clean.doc



Spring 2010 Reg
Narrative sdhc...

Attached is the current draft of the Spring Agenda narrative. Please review and provide feedback by COB tomorrow. Thank you.

e. christi cunningham
Associate Assistant Secretary for Regulatory Affairs Department of Labor 200 Constitution Ave., N.W.
Washington, DC 20010
(202) 693-5929
(202) 693-5960 (fax)
cunningham.christi@dol.gov

Davis, Michael. L- EBSA

From: Maguire, Daniel - EBSA
Sent: Monday, March 22, 2010 5:28 PM
To: Lebowitz, Alan - EBSA; Doyle, Robert - EBSA; Smith, Virginia - EBSA; Dingwall, Ian - EBSA
Cc: Borzi, Phyllis - EBSA; Davis, Michael. L- EBSA ; Hauser, Timothy - SOL; Khawar, Ali - EBSA; Turner, Amy - EBSA
Subject: RE: EBSA narrative sections -- please review

In response to Seth's CHIP question, there is no current rule on these issues, we are codifying in a reg. issues that are present in the recently issued Model Notice.


-----Original Message-----

From: Lebowitz, Alan - EBSA
Sent: Monday, March 22, 2010 5:13 PM
To: Maguire, Daniel - EBSA; Doyle, Robert - EBSA; Smith, Virginia - EBSA; Dingwall, Ian - EBSA
Cc: Borzi, Phyllis - EBSA; Davis, Michael. L- EBSA ; Hauser, Timothy - SOL; Khawar, Ali - EBSA
Subject: RE: EBSA narrative sections -- please review

I rewrote the non-reg items. Any changes to the reg items?

Redacted

Not an EBSA record



Redacted

Not an EBSA
Record

8 pages rectified

Not an EBSA record

Khawar, Ali - EBSA

From: Turner, Amy - EBSA
Sent: Wednesday, April 21, 2010 12:44 PM
To: Khawar, Ali - EBSA
Cc: Maguire, Daniel - EBSA
Subject: FW: Spring Agenda coordination

See below from Dawn Smalls.. Does anyone know what happened with this?

-----Original Message-----

From: Smalls, Dawn (HHS/IOS) [mailto:Dawn.Smalls@hhs.gov]
Sent: Wednesday, April 21, 2010 12:40 PM
To: Turner, Amy - EBSA
Subject: RE: Spring Agenda coordination

Hey Amy,

Where did Labor come out on this? HHS did not provide any additional information for the agenda and am told that it is scheduled to publish on Monday.

Dawn

Khawar, Ali - EBSA

From: Khawar, Ali - EBSA
Sent: Thursday, April 22, 2010 7:50 PM
To: Golding, Debra - EBSA
Subject: RE: Reg agenda rollout

Let's keep it as a record

-----Original Message-----

From: Golding, Debra - EBSA
Sent: Thursday, April 22, 2010 7:47 PM
To: Khawar, Ali - EBSA
Subject: Reg agenda rollout

I emailed both Andy and Ken but I think both were gone for the day so I will follow up first thing in the morning regarding the video.

One other question - when we post the new page for the spring reg agenda, do you want us to remove the page for the fall agenda or keep it as a record? Thanks.

Khawar, Ali - EBSA

From: Khawar, Ali - EBSA
Sent: Saturday, April 24, 2010 9:08 AM
To: Golding, Debra - EBSA; Doyle, Robert - EBSA; Maguire, Daniel - EBSA
Cc: Watson, Sharon - EBSA; Donahue, Christine - EBSA
Subject: RE: Reg agenda page

This looks fine. Thanks for turning everything around so quickly. The video is almost done - they sent it to us last night and they had inserted a clip of "workers leaving a building site" (or something like that) to cover up where they had edited some different sections together. It was very odd. Hopefully it'll get fixed by Monday.

[Non Response]

From: Golding, Debra - EBSA
Sent: Fri 4/23/2010 5:30 PM
To: Khawar, Ali - EBSA; Doyle, Robert - EBSA; Maguire, Daniel - EBSA
Cc: Watson, Sharon - EBSA; Donahue, Christine - EBSA
Subject: Reg agenda page

Below is the link to the page set up with the fact sheets. Note that on Monday morning we have coordinated with DOL to get the link to the FR document once they download it. At that time we will add the links to the FR notice and add the RIN numbers next to the reg name. We will also add the Issue date in the header (April 26, 2010). We also have the homepage set to go. Per discussion with Ali, as soon as we update the page as noted above, we will post it and the homepage update which includes a link to the DOL page for the webchat and video.

Here are the links:

Reg agenda page:
<http://dolcontentdev.opadev.dol.gov/ebsa/regs/unifiedagenda/ebsaspring2010/main.html>

Home Page: <http://dolcontentdev.opadev.dol.gov/ebsa/welcome-pending.html>

Khawar, Ali - EBSA

From: Khawar, Ali - EBSA
Sent: Sunday, April 25, 2010 7:34 PM
To: Borzi, Phyllis - EBSA
Subject: RE: Reminder Notice: EBSA Spring Semi-Annual Regulatory Agenda

Absolutely. That's why I'm trying to make sure we have the time. I assume it is 8:45, at the latest, but I haven't heard back from Christi/Kathleen.

From: Borzi, Phyllis - EBSA
Sent: Sunday, April 25, 2010 7:33 PM
To: Khawar, Ali - EBSA; Price, Nicole - EBSA
Subject: Re: Reminder Notice: EBSA Spring Semi-Annual Regulatory Agenda

Presumably sending the e-mail at the same time tomorrow morning that folks can see it at the FR is OK though.

From: Khawar, Ali - EBSA
To: Borzi, Phyllis - EBSA; Price, Nicole - EBSA
Sent: Sun Apr 25 19:31:04 2010
Subject: RE: Reminder Notice: EBSA Spring Semi-Annual Regulatory Agenda

I think there's a little confusion on this, as Nicole pointed out. My understanding from talking to Christi was that we shouldn't preempt the official roll out. The document you sent was what they went over at the briefing on Friday morning. I had understood those guidelines to be more focused on what we should and shouldn't say during the web chat.

Nicole is right - we should make sure we are all clear on this before the next roll out.

From: Borzi, Phyllis - EBSA
Sent: Sunday, April 25, 2010 12:54 PM
To: Khawar, Ali - EBSA; Price, Nicole - EBSA
Subject: Re: Reminder Notice: EBSA Spring Semi-Annual Regulatory Agenda

I mentioned all three of these things in Kansas City because the SOL's memo christi sent moments before I started (see message I just forwarded) said general comments about subject matter were OK


From: Khawar, Ali - EBSA
To: Borzi, Phyllis - EBSA; Price, Nicole - EBSA
Sent: Sun Apr 25 12:49:03 2010
Subject: Re: Reminder Notice: EBSA Spring Semi-Annual Regulatory Agenda

Something that just struck me is that we need to be careful about when we issue these things. Not sure what time OMB will release agenda - presume it's going to be at 845 tomorrow am. Will check and let you all know.

{ Not Responsive }

Sent from my Blackberry device

From: Borzi, Phyllis - EBSA
To: Price, Nicole - EBSA
Cc: Khawar, Ali - EBSA
Sent: Sun Apr 25 12:45:23 2010
Subject: Re: Reminder Notice: EBSA Spring Semi-Annual Regulatory Agenda

Great - thanks. 

Not Responsive

From: Price, Nicole - EBSA
To: Borzi, Phyllis - EBSA
Sent: Sun Apr 25 12:35:13 2010
Subject: Re: Reminder Notice: EBSA Spring Semi-Annual Regulatory Agenda

I will add that and send it in a new email from you tomorrow morning.

From: Borzi, Phyllis - EBSA
To: Price, Nicole - EBSA
Sent: Sun Apr 25 12:07:10 2010
Subject: Re: Reminder Notice: EBSA Spring Semi-Annual Regulatory Agenda

Between the two paragraphs, you could add:

Among the new items that are on EBSA's upcoming regulatory agenda are proposed fee disclosure requirements for health and welfare plans, an update of the existing regulations relating to the benefit claims and appeals process and, working with the Departments of Health and Human Services and the Treasury, a variety of tri-agency regulations to implement the recently enacted Affordable Health Care Act.

From: Price, Nicole - EBSA
To: Borzi, Phyllis - EBSA
Sent: Sun Apr 25 11:53:43 2010
Subject: Fw: Reminder Notice: EBSA Spring Semi-Annual Regulatory Agenda

See below

From: Price, Nicole - EBSA
To: Price, Nicole - EBSA
Sent: Fri Apr 23 10:59:45 2010
Subject: Reminder Notice: EBSA Spring Semi-Annual Regulatory Agenda

Department of Labor to Announce Spring Semi-Annual Regulatory Agenda

On Monday, April 26, the Department of Labor's Spring 2010 Semi-Annual Regulatory Agenda will be published in the Federal Register and posted online at <http://www.dol.gov/regulations/>. We welcome

your participation in an interactive webchat with Assistant Secretary Phyllis Borzi to discuss the Employee Benefits Security Administration Regulatory Agenda on Monday, April 26 at 2:00 – 3:00PM EDT.

To join the webchat go to <http://www.dol.gov/regulations> or interested parties may submit comments for any proposed rules that are open for comment at www.regulations.gov.

Sincerely,

*Nicole Price
Employee Benefits Security Administration
U.S. Department of Labor*

202-693-8305

Khawar, Ali - EBSA

From: Cunningham, Christi - ASP
Sent: Monday, March 29, 2010 12:23 PM
To: Doyle, Robert - EBSA; Borzi, Phyllis - EBSA; Davis, Michael. L- EBSA ; Lebowitz, Alan - EBSA; Piacentini, Joseph - EBSA; Khawar, Ali - EBSA
Cc: Franks, Kathleen - ASP; Cooper, Leslie Combs - ASP
Subject: RE: Definition of Fiduciary as highlighted speciatly rollout reg

It was rolled out, but it wasn't highlighted. Since the NPRM will be published during the Spring Agenda cycle, Seth is wondering whether to provide additional information about it during the rollout.

-----Original Message-----

From: Doyle, Robert - EBSA
Sent: Monday, March 29, 2010 12:16 PM
To: Cunningham, Christi - ASP; Borzi, Phyllis - EBSA; Davis, Michael. L- EBSA ; Lebowitz, Alan - EBSA; Piacentini, Joseph - EBSA; Khawar, Ali - EBSA
Subject: Re: Definition of Fiduciary as highlighted speciatly rollout reg

The Fiduciary def reg was rolled out as part of the last agenda. Not sure why we would highlight for this agenda.

Robert J. Doyle
Director of Regulations & Interpretations Employee Benefits Security Administration U.S.
Department of Labor
202.693.8502
doyle.robert@dol.gov

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Cunningham, Christi - ASP
To: Borzi, Phyllis - EBSA; Davis, Michael. L- EBSA ; Lebowitz, Alan - EBSA; Doyle, Robert - EBSA; Piacentini, Joseph - EBSA; Khawar, Ali - EBSA
Sent: Mon Mar 29 11:42:40 2010
Subject: Definition of Fiduciary as highlighted speciatly rollout reg

Seth would like to know whether Definition of a Fiduciary should receive highlight treatment during the rollout.

e. christi.cunningham
Associate Assistant Secretary for Regulatory Affairs Department of Labor 200 Constitution Ave., N.W.
Washington, DC 20010
(202) 693-5929
(202) 693-5960 (fax)
cunningham.christi@dol.gov

Khawar, Ali - EBSA

From: Khawar, Ali - EBSA
Sent: Monday, April 05, 2010 5:07 PM
To: Maguire, Daniel - EBSA
Cc: Borzi, Phyllis - EBSA
Subject: FW: Spring agenda item

FYI. She's referring to our health reform stuff.

From: Peters, Pamela - ASP
Sent: Monday, April 05, 2010 5:04 PM
To: Khawar, Ali - EBSA
Cc: Franks, Kathleen - ASP; Edwards, Michelle - ASP; Cooper, Leslie Combs - ASP
Subject: Spring agenda item

The new item will appear in the Spring 2010 agenda.

Khawar, Ali - EBSA

From: Cooper, Leslie Combs - ASP
Sent: Monday, April 19, 2010 8:44 AM
To: Khawar, Ali - EBSA
Cc: Franks, Kathleen - ASP; Edwards, Michelle - ASP; Peters, Pamela - ASP
Subject: RE: Spring agenda iteml

Good Morning –

Regulations Implementing the Patient Protection and Affordable Care Act of 2010 (PPACA), RIN : 1210-AB41

From: Khawar, Ali - EBSA
Sent: Friday, April 16, 2010 9:49 PM
To: Peters, Pamela - ASP
Cc: Franks, Kathleen - ASP; Edwards, Michelle - ASP; Cooper, Leslie Combs - ASP
Subject: Re: Spring agenda iteml

Can one of you let me know what the RID form # is?

This is the health reform agenda entry.

Thanks!
Ali

Sent from my Blackberry device

From: Peters, Pamela - ASP
To: Khawar, Ali - EBSA
Cc: Franks, Kathleen - ASP; Edwards, Michelle - ASP; Cooper, Leslie Combs - ASP
Sent: Mon Apr 05 17:04:09 2010
Subject: Spring agenda iteml

The new item will appear in the Spring 2010 agenda.

Khawar, Ali - EBSA

From: Peters, Pamela - ASP
Sent: Monday, April 19, 2010 10:34 AM
To: Khawar, Ali - EBSA
Cc: Franks, Kathleen - ASP; Edwards, Michelle - ASP; Cooper, Leslie Combs - ASP
Subject: RE: Spring agenda iteml

Hi- Here is the information you requested:

1210-AB41 - Regulations Implementing the Patient Protection and Affordable Care Act of 2010 (PPACA)

Pam

From: Khawar, Ali - EBSA
Sent: Friday, April 16, 2010 9:49 PM
To: Peters, Pamela - ASP
Cc: Franks, Kathleen - ASP; Edwards, Michelle - ASP; Cooper, Leslie Combs - ASP
Subject: Re: Spring agenda iteml

Can one of you let me know what the RID form # is?

This is the health reform agenda entry.

Thanks!
Ali

Sent from my Blackberry device

From: Peters, Pamela - ASP
To: Khawar, Ali - EBSA
Cc: Franks, Kathleen - ASP; Edwards, Michelle - ASP; Cooper, Leslie Combs - ASP
Sent: Mon Apr 05 17:04:09 2010
Subject: Spring agenda iteml

The new item will appear in the Spring 2010 agenda.

Khawar, Ali - EBSA

From: Davis, Michael. L- EBSA
Sent: Tuesday, April 20, 2010 6:11 PM
To: Della, Gloria - OPA; Price, Nicole - EBSA ; Khawar, Ali - EBSA
Cc: De Wolk, Joseph - OPA
Subject: RE: MA - Regulatory Agenda Webchat 1004

Follow Up Flag: Follow up
Flag Status: Green

The regs on the Spring Agenda include the following:

- 408(b)(2) for welfare plans aka Improved Fee Disclosure for Welfare Plans
- Claims Procedure regulation
- QDIA for Target Date Fund Disclosure

Fact sheets are being completed for each of these initiatives. All the best.

Michael L. Davis
Deputy Assistant Secretary
Employee Benefits Security Administration U.S. Department of Labor 200 Constitution Ave.,
NW Washington, DC 20210
P: (202) 693-8304
C: (202) 631-3135
davis.michael.l@dol.gov

-----Original Message-----

From: Della, Gloria - OPA
Sent: Tuesday, April 20, 2010 3:41 PM
To: Davis, Michael. L- EBSA ; Price, Nicole - EBSA ; Khawar, Ali - EBSA
Cc: De Wolk, Joseph - OPA
Subject: MA - Regulatory Agenda Webchat 1004

Do you know which regs Phyllis will highlight. Would like to include in advisory.

Pls review and get back ASAP so can issue on Thursday. Thanks.

Khawar, Ali - EBSA

From: Della, Gloria - OPA
Sent: Wednesday, April 21, 2010 8:16 AM
To: Khawar, Ali - EBSA
Cc: De Wolk, Joseph - OPA; Davis, Michael. L - EBSA ; Price, Nicole - EBSA
Subject: RE: MA - Regulatory Agenda Webchat 1004

The issues would be the ones, if any, Phyllis will highlight in opening remarks -- something to interest people in participating. What I would like to clarify is what role OMB has with regard to timing and any restrictions that apply. { Exemption 6 }

We'll issue without topics if that's EBSA wants.

Thanks.

Gloria

-----Original Message-----

From: Khawar, Ali - EBSA
Sent: Tuesday, April 20, 2010 9:52 PM
To: Della, Gloria - OPA
Cc: De Wolk, Joseph - OPA; Davis, Michael. L - EBSA ; Price, Nicole - EBSA
Subject: RE: MA - Regulatory Agenda Webchat 1004

A few notes:

1. As I understand it, the 4/26 date represents the DOL's rollout of the Spring Reg Agenda. Therefore, I'm not sure how we could include information on anything in the Spring Agenda in the media advisory. If we highlight the new items and release this to the media - tomorrow - aren't we circumventing and preempting OMB's role in selecting this date for the rollout in the first place? If you mean we should highlight an incomplete regulatory action from a previous agenda (which is, therefore, already public), why would we do that when it isn't fresh news and we've probably already talked significantly about anything newsworthy? I'd appreciate it if you could help me understand what I'm missing here.
2. Shouldn't Joe also be listed as a media contact?
3. There were a few typos in the MA, which are corrected in the attached.

Thanks
Ali

-----Original Message-----

From: Della, Gloria - OPA
Sent: Tuesday, April 20, 2010 3:41 PM
To: Davis, Michael. L - EBSA ; Price, Nicole - EBSA ; Khawar, Ali - EBSA
Cc: De Wolk, Joseph - OPA
Subject: MA - Regulatory Agenda Webchat 1004

Do you know which regs Phyllis will highlight. Would like to include in advisory.

Pls review and get back ASAP so can issue on Thursday. Thanks.

Khawar, Ali - EBSA

From: Davis, Michael. L- EBSA
Sent: Wednesday, April 21, 2010 11:18 AM
To: Della, Gloria - OPA; Khawar, Ali - EBSA
Cc: De Wolk, Joseph - OPA; Price, Nicole - EBSA
Subject: RE: MA - Regulatory Agenda Webchat 1004
Follow Up Flag: Follow up
Flag Status: Green

thx gloria. i would agree with Ali's comment below that the release of the notice should be timed so as not to foretell the specifics of the rollout agenda in advance of the event. would seem to undermine the significance of the event. would suspect that OMB would agree. was a release done for the previous Fall Reg rollout and when was it released? md

From: Della, Gloria - OPA
Sent: Wed 4/21/2010 8:16 AM
To: Khawar, Ali - EBSA
Cc: De Wolk, Joseph - OPA; Davis, Michael. L- EBSA ; Price, Nicole - EBSA
Subject: RE: MA - Regulatory Agenda Webchat 1004

The issues would be the ones, if any, Phyllis will highlight in opening remarks -- something to interest people in participating. What I would like to clarify is what role OMB has with regard to timing and any restrictions that apply. Joe will be out when released.

We'll issue without topics if that's EBSA wants.

Thanks.

Gloria

-----Original Message-----

From: Khawar, Ali - EBSA
Sent: Tuesday, April 20, 2010 9:52 PM
To: Della, Gloria - OPA
Cc: De Wolk, Joseph - OPA; Davis, Michael. L- EBSA ; Price, Nicole - EBSA
Subject: RE: MA - Regulatory Agenda Webchat 1004

A few notes:

1. As I understand it, the 4/26 date represents the DOL's rollout of the Spring Reg Agenda. Therefore, I'm not sure how we could include information on anything in the Spring Agenda in the media advisory. If we highlight the new items and release this to the media - tomorrow - aren't we circumventing and preempting OMB's role in selecting this date for the rollout in the first place? If you mean we should highlight an incomplete regulatory action from a previous agenda (which is, therefore, already public), why would we do that when it isn't fresh news and we've probably already talked significantly about anything newsworthy? I'd appreciate it if you could help me understand what I'm missing here.
2. Shouldn't Joe also be listed as a media contact?
3. There were a few typos in the MA, which are corrected in the attached.

Thanks
Ali

-----Original Message-----

From: Della, Gloria - OPA

Sent: Tuesday, April 20, 2010 3:41 PM

To: Davis, Michael. L- EBSA ; Price, Nicole - EBSA ; Khawar, Ali - EBSA

Cc: De Wolk, Joseph - OPA

Subject: MA - Regulatory Agenda Webchat 1004

Do you know which regs Phyllis will highlight. Would like to include in advisory.

Pls review and get back ASAP so can issue on Thursday. Thanks.

Maguire, Daniel - EBSA

From: Doyle, Robert - EBSA
Sent: Sunday, January 31, 2010 2:29 PM
To: Cunningham, Christi - ASP; Franks, Kathleen - ASP
Cc: Borzi, Phyllis - EBSA; Lebowitz, Alan - EBSA; Davis, Michael. L - EBSA ; Doyle, Robert - EBSA; Maguire, Daniel - EBSA; Piacentini, Joseph - EBSA; Hauser, Timothy - SOL; Taylor, William - SOL; Turner, Jeffrey - EBSA; Canary, Joe - EBSA
Subject: 2010 Reg Theme and Resources.doc
Attachments: 2010 Reg Theme and Resources.doc



2010 Reg Theme
and Resources.d...

Please find attached EBSA's response to the request for one-pagers on a regulatory theme and regulatory resources for purposes of the 2010 Spring Agenda. I will forward a chart on Monday listing our current, completed and new regulatory items with projected publication dates. Should you have any questions concerning any of these documents, please do not hesitate to contact me.

Maguire, Daniel - EBSA

From: Doyle, Robert - EBSA
Sent: Friday, January 29, 2010 12:08 PM
To: Borzi, Phyllis - EBSA; Lebowitz, Alan - EBSA; Davis, Michael. L - EBSA ; Maguire, Daniel - EBSA; Hauser, Timothy - SOL; Piacentini, Joseph - EBSA
Subject: 2010 Reg Theme and Resources
Attachments: 2010 Reg Theme and Resources.doc



2010 Reg Theme
and Resources.d...

Attached is my shot at the "one-pagers" on theme and resources. I am assuming that we do not have to go through every regulation on our agenda for purposes of supporting our theme, but rather focus on some of our priority initiatives. We should try to finalize today and forward an info copy to OASP, per Christi's request. Thank you.

Maguire, Daniel - EBSA

From: Borzi, Phyllis - EBSA
Sent: Friday, January 29, 2010 5:51 PM
To: Doyle, Robert - EBSA; Lebowitz, Alan - EBSA; Davis, Michael. L- EBSA ; Maguire, Daniel - EBSA; Hauser, Timothy - SOL; Piacentini, Joseph - EBSA
Subject: RE: 2010 Reg Theme and Resources

This looks fine except that I would say "Specific examples include", not "specifically"

Phyllis C. Borzi
Assistant Secretary of Labor
Employee Benefits Security Administration U.S. Department of Labor 200 Constitution Ave.,
N.W.
Room S-2524
Washington, DC 20210
(202) 693-8300
(202) 219-5526 (fax)
borzi.phyllis@dol.gov

-----Original Message-----

From: Doyle, Robert - EBSA
Sent: Friday, January 29, 2010 12:08 PM
To: Borzi, Phyllis - EBSA; Lebowitz, Alan - EBSA; Davis, Michael. L- EBSA ; Maguire, Daniel - EBSA; Hauser, Timothy - SOL; Piacentini, Joseph - EBSA
Subject: 2010 Reg Theme and Resources

Attached is my shot at the "one-pagers" on theme and resources. I am assuming that we do not have to go through every regulation on our agenda for purposes of supporting our theme, but rather focus on some our priority initiatives. We should try to finalize today and forward an info copy to OASP, per Christi's request. Thank you.

Maguire, Daniel - EBSA

From: Doyle, Robert - EBSA
Sent: Friday, January 29, 2010 6:15 PM
To: Borzi, Phyllis - EBSA; Lebowitz, Alan - EBSA; Davis, Michael. L- EBSA ; Maguire, Daniel - EBSA; Hauser, Timothy - SOL; Piacentini, Joseph - EBSA
Subject: Re: 2010 Reg Theme and Resources

Thanks, if I do not hear from anyone else this weekend, I will circulate revised version and forward copy to Christi on Sunday.

Robert J. Doyle
Director of Regulations & Interpretations Employee Benefits Security Administration U.S.
Department of Labor
202.693.8502
doyle.robert@dol.gov

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Borzi, Phyllis - EBSA
To: Doyle, Robert - EBSA; Lebowitz, Alan - EBSA; Davis, Michael. L- EBSA ; Maguire, Daniel - EBSA; Hauser, Timothy - SOL; Piacentini, Joseph - EBSA
Sent: Fri Jan 29 17:51:15 2010

Subject: RE: 2010 Reg Theme and Resources

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Daniel - EBSA; Hauser, Timothy - SOL; Piacentini, Joseph - EBSA
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Maguire, Daniel - EBSA

From: Borzi, Phyllis - EBSA
Sent: Friday, January 29, 2010 6:36 PM
To: Doyle, Robert - EBSA; Lebowitz, Alan - EBSA; Davis, Michael. L- EBSA ; Maguire, Daniel - EBSA; Hauser, Timothy - SOL; Piacentini, Joseph - EBSA
Subject: RE: 2010 Reg Theme and Resources

Thanks.

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Washington, DC 20210
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(202) 219-5526 (fax)
borzi.phyllis@dol.gov

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Sent: Friday, January 29, 2010 6:15 PM
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Subject: Re: 2010 Reg Theme and Resources

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Department of Labor

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doyle.robert@dol.gov

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Spring 2010 Regulatory Agenda

I. Theme: **Restoring Accountability**

EBSA believes that most of its regulatory agenda initiatives support the Department's establishment of new accountability standards for both employee benefit plan sponsors and service providers to such plans. Specifically examples include:

1. A regulation (interim-final) establishing new accountability standards for plan service providers through enhanced disclosure of plan and investment-related fees and expense to fiduciaries of pension plans. RIN 1210-AB08
2. A regulation (proposal) establishing new accountability standards for plan service providers through enhanced disclosure of plan and investment-related fees and expense to fiduciaries of welfare plans. RIN [NEW]
3. A regulation (final) establishing new accountability standards for plan sponsors through enhanced disclosure of plan and investment-related fees and expenses to participants and beneficiaries who are responsible for the investment of assets held in their individual account (e.g., 401(k)) plan. RIN 1210-AB07
4. A regulation (proposal) establishing new accountability standards for individuals and entities providing investment advice to employee benefit plans by amending the definition of "fiduciary" to subject all individuals in fact engaged in the provision of investment advice to ERISA's fiduciary standards. RIN 1210-AB32
5. 4. A regulation (final) establishing new accountability standards for individuals and entities providing investment advice to participants in individual account plans and IRA beneficiaries to ensure that provided advice is both high quality and unbiased. RIN 1210-AB35
6. A regulation (proposal) establishing new accountability standards for plan administrators and others responsible for the processing of employee benefit plan claims under ERISA. RIN [NEW]

II. Resources

We have reviewed the resources available to complete the Agency's responsibilities in the regulatory process, including the drafting of rules, the preparation of required economic, paperwork and other analyses attendant to such rules and concluded that we have the resources necessary to carrying out EBSA's responsibilities in accordance with the timeframes proposed in its Regulatory Agenda. We also have received assurances from the Plan Benefits Security Division that they have the resources necessary to conduct a review and clearance of EBSA's regulatory initiatives within the timeframes necessary for EBSA to satisfy its responsibilities with respect to the regulatory agenda.

Turner, Jeffrey - EBSA

From: Turner, Jeffrey - EBSA
Sent: Thursday, February 04, 2010 10:02 AM
To: Ward, Stephanie - EBSA
Subject: RE: EBSA Reg Agenda meeting, Feb. 2. 2010

Call me when you have a chance

-----Original Message-----

From: Ward, Stephanie - EBSA
Sent: Thursday, February 04, 2010 9:44 AM
To: Turner, Jeffrey - EBSA
Subject: RE: EBSA Reg Agenda meeting, Feb. 2. 2010

I don't know if you started this already, but I took a stab at ORI projects with the information I'm aware of.

From: Ward, Stephanie - EBSA
Sent: Wednesday, February 03, 2010 10:15 AM
To: Turner, Jeffrey - EBSA
Subject: RE: EBSA Reg Agenda meeting, Feb. 2. 2010

From: Turner, Jeffrey - EBSA
Sent: Wednesday, February 03, 2010 9:53 AM
To: Ward, Stephanie - EBSA
Subject: FW: EBSA Reg Agenda meeting, Feb. 2. 2010

We should discuss this morning, please. Thanks

From: Turner, Amy - EBSA
Sent: Tuesday, February 02, 2010 12:49 PM
To: Turner, Jeffrey - EBSA
Subject: FW: EBSA Reg Agenda meeting, Feb. 2. 2010

fyi

From: Maguire, Daniel - EBSA
Sent: Tuesday, February 02, 2010 12:17 PM
To: Turner, Amy - EBSA
Subject: FW: EBSA Reg Agenda meeting, Feb. 2. 2010

We will have to make up a list for each reg. of all the individuals involved in each project.

From: Willett, Ronald - EXECSEC
Sent: Tuesday, February 02, 2010 11:35 AM
To: Seth Harris; Borzi, Phyllis - EBSA; Davis, Michael. L- EBSA ; Piacentini, Joseph -

EBSA; Lebowitz, Alan - EBSA; Doyle, Robert - EBSA; Maguire, Daniel - EBSA; Franks, Kathleen - ASP; Hauser, Timothy - SOL; Cunningham, Christi - ASP; Franks, Kathleen - ASP
Cc: Cornale, Samuel - OSEC
Subject: EBSA Reg Agenda meeting, Feb. 2. 2010

Decisions and Assignments:

1. For each of the 13 items on its list for the Spring Regulatory Agenda, EBSA will indicate names of the lead staffer and members of the staff working group accountable, and will provide that information to OASP/Christi Cunningham.
2. EBSA will continue to identify and pursue enforcement strategies consistent with the larger Departmental promotion of "find and fix" approaches to compliance wherein regulated community members are encouraged and supported in design and adoption of compliance plans oriented toward identification, remedy, and prevention of violations.
3. EBSA reps will attend the Worker Protection Meeting next week prepared to articulate EBSA programs and efforts in the context of the Departmental promotion referenced above.

Robert - EBSA; Maguire, Daniel

OASP/Christi Cunningham

Turner, Jeffrey - EBSA

From: Borzi, Phyllis - EBSA
Sent: Friday, April 23, 2010 8:51 PM
To: Turner, Amy - EBSA; Doyle, Robert - EBSA; Davis, Michael. L- EBSA ; Lebowitz, Alan - EBSA; Canary, Joe - EBSA; Hauser, Timothy - SOL; Taylor, William - SOL; Piacentini, Joseph - EBSA
Cc: Maguire, Daniel - EBSA; Turner, Jeffrey - EBSA; Khawar, Ali - EBSA
Subject: RE: Web Reg Rollout - Materials
Attachments: Spring 2010.pcb opening statement for webchat.doc



Spring 2010.pcb
opening statem...

Here are my edits on top of Amy's.

-----Original Message-----

From: Turner, Amy - EBSA
Sent: Friday, April 23, 2010 11:41 AM
To: Doyle, Robert - EBSA; Borzi, Phyllis - EBSA; Davis, Michael. L- EBSA ; Lebowitz, Alan - EBSA; Canary, Joe - EBSA; Hauser, Timothy - SOL; Taylor, William - SOL; Piacentini, Joseph - EBSA
Cc: Maguire, Daniel - EBSA; Turner, Jeffrey - EBSA; Khawar, Ali - EBSA
Subject: RE: Web Reg Rollout - Materials

See a few inserts/edits on the Affordable Care Act remarks.

-----Original Message-----

From: Doyle, Robert - EBSA
Sent: Thursday, April 22, 2010 7:00 PM
To: Borzi, Phyllis - EBSA; Davis, Michael. L- EBSA ; Lebowitz, Alan - EBSA; Canary, Joe - EBSA; Hauser, Timothy - SOL; Taylor, William - SOL; Piacentini, Joseph - EBSA
Cc: Maguire, Daniel - EBSA; Turner, Amy - EBSA; Turner, Jeffrey - EBSA; Doyle, Robert - EBSA
Subject: Web Reg Rollout - Materials

Attached for your consideration is my update of Qs & As, with new Qs & As relating to our new (non-health related) agenda items. Having some pre-developed and pre-cleared material was most useful during our last rollout. I also am attaching the new fact sheets developed for this rollout - some of which have no relationship to our agenda - BUT - nonetheless and more importantly - does fit our overall reg theme of "plan/prevent/protect" (previously know as "find and fix"). Enjoy.

Robert J. Doyle, Director
of Regulations & Interpretations
Employee Benefits Security Administration U.S. Department of Labor 202.693.8500
doyle.robert@dol.gov

2 pages

redacted

Exemption 5

Spring Agenda Highlights List

Find it and Fix it:

- Injury and Illness Prevention Program (OSHA)
- Infectious Diseases (OSHA)
- Safety and Health Management Programs for Mines (MSHA)
- Construction Contractor Affirmative Action Requirements (OFCCP)
- Records to be Kept by Employers Under the Fair Labor Standards Act (WHD)

Openness and transparency regulations:

- Amendment to Claims Procedure Regulation (EBSA)
- Children's Health Insurance Program: Notice Requirements for Employers (EBSA)
- Interpretation of the "Advice" Exemption of Section 203(c) of the Labor Management Reporting and Disclosure Act (OLMS)
- Form LM-30, Labor Organization Officer and Employee Report (OLMS)
- Notification of Employee Rights Under Federal Labor Laws (OLMS)
- Hazard Communication (OSHA)
- Injury and Illness Reporting Modernization (OSHA)

Non-regulatory endeavors:

- Delinquent Filer Voluntary Compliance Program (DFVCP) (EBSA)
- Checklists for Pension and Health (EBSA)
- Voluntary Fiduciary Correction Program (VFCP) (EBSA)
- Fatality Prevention: Rules to Live By (MSHA)
- End Black Lung Now (MSHA)
- Voluntary Compliance Programs (OLMS)

5 pages

Redacted

Exemption 5

Thomas, Terri - EBSA

From: Lebowitz, Alan - EBSA
Sent: Friday, February 19, 2010 3:59 PM
To: Cunningham, Christi - ASP
Cc: Borzi, Phyllis - EBSA; Davis, Michael. L- EBSA
Subject: RE: Burden Shifting

Tracking:	Recipient	Read
	Cunningham, Christi - ASP	
	Borzi, Phyllis - EBSA	Read: 2/19/2010 4:19 PM
	Davis, Michael. L- EBSA	

Responses to your Questions: (FYI this topic came up at our agency meeting with Seth today.)

1a. The term "employee" is defined in section 3(6) of ERISA to mean "any individual employed by an employer." Whether an individual is an "employee" for purposes section 3(6) of Title I of ERISA generally requires a determination of whether there is an employer-employee relationship applying common law principles. See *Nationwide Mutual Insurance Company v. Darden*, 503 U.S. 318 (1992); *Yates v. Hendon*, 541 U.S. 1 (2004). Once an individual is determined to be an employee, entitlement to benefits can only be determined by reference to plan terms. These are facts and circumstances, individual by individual determinations.

1b. We do not believe that these issues can be addressed through a regulation.

2. We think that the ERISA issues related to independent contractor cases can be addressed by including a provision in settlement/consent agreements entered into by Wage and Hour that would require the subject employer to review and determine the benefit entitlement of affected employees and report their conclusions and remedial actions to EBSA. We would be pleased to work with WH and SOL to develop necessary language.

Not an EBSA Record